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10/633,933	08/04/2003	Michael A. Bass	16223-00037	4951

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EXAMINER

BECKER, SHASHI KAMALA

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,933

Applicant(s)

BASS ET AL.

Examiner

Shashi K. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-19 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-19, and 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 16, 19, 21- 23, 26, 28, 29, and 32 rejected under 35 U.S.C. 102(b) as being anticipated by Cimino et al (hereinafter Cimino) US Patent 5127532.

- **In regards to claims 1 and 19**, Cimino teaches an interactive object identification system comprising; user interface means for inputting at least one specified variable related to a first object, said specified variable being physically observed based upon a visual inspection of the object (column 2 lines 43-61, wherein the lensing system illuminates the front of the key to form a cross-sectional image for the video system to convert to a digital image) by a user of the system (column 1 lines 22-33); database means for identifying a master object through comparison of known values against the specified variable (column 1 lines 22-33); Cimino further teaches a display rack for holding a physical set of master objects and an indicator for distinguishing the identified master object from the physical set of master objects (column 5 lines 36-43).

- **In regards to claims 16 and 26**, Cimino teaches the limitations above (see claims 1 and 19). Cimino further teaches further comprising verification means for

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confirming that the identified master object physically provided to the user matches the information about the identified master object presented to the user (column 1 lines 22-33).

- **In regards to claim 21**, Cimino teaches the limitations above (see claims 1 and 19). Cimino further suggests wherein said indicator comprises a series of lights wherein a single light indicative of the identified master object is selectively illuminated (column 5 lines 36-43).
- **In regards to claim 22**, Cimino teaches the limitations above (see claims 1 and 19). Cimino further suggests wherein the indicator further comprises: (i) at least one shift register operatively associated with the series of lights and (ii) means for selectively adjusting the output signal to be compatible with the shift register (column 5 lines 36-43).
- **In regards to claims 23 and 29**, Cimino teaches the limitations above (see claims 1 and 19). Cimino further teaches wherein the identified master object comprises a key blank (column 2 lines 22-33).
- **In regards to claim 28**, Cimino teaches the limitations above (see claims 1 and 19). Cimino further teaches further comprising key replication means for creating a duplicate copy of the first object (column 1 lines 22-33).
- **In regards to claim 32**, Cimino teaches the limitations above (see claims 1 and 19). Cimino further teaches wherein the computer is selected from the group consisting

of: a personal computer, a personal digital assistant, a hand-held computing device and a miniaturized, embedded computer having an integrated and abbreviated alphanumeric display (column 2 lines 43-61).

3. Claims 3, 4, 14, 17, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cimino in view of Titus et al (hereinafter Titus) US Patent 6406227.

- **In regards to claims 3 and 14**, Cimino teaches the limitations above (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach tracking means for recording and monitoring variables related to utilization of the system.

Titus teaches a key measurement apparatus and method. Titus further teaches tracking means for recording and monitoring variables related to utilization of the system (column 13 lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Cimino to include the teachings of Titus in order to record and monitor variables of the system. One would have been motivated to make such a combination in order to keep an inventory of each key profile and the machine's maintenance status log (column 13 lines 46-55).

- **In regards to claim 4**, Cimino teaches the limitations above (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach wherein the variables recorded and monitored by the tracking include information related to inventory levels for at least one item selected from the group consisting of: the identified master object and at least a portion of the set of other objects.

Titus teaches a key measurement apparatus and method. Titus further teaches wherein the variables recorded and monitored by the tracking include information related to inventory levels for at least one item selected from the group consisting of: the identified master object and at least a portion of the set of other objects (column 13 lines 46-55). It would have been obvious for the reasons stated above (see claims 3 and 14).

* **In regards to claims 17 and 27**, Cimino teaches the limitations above (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach wherein the verification means includes at least one item selected from the group consisting of: a machine vision system and a radio frequency identification system.

Titus teaches a key measurement apparatus and method. Titus further teaches wherein the verification means includes at least one item selected from the group consisting of: a machine vision system and a radio frequency identification system (column 18 lines 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Cimino to include the teachings of Titus in order to verify the identified master object. One would have been motivated to make such a combination in order to verify different key profiles and inventory them for the user's reference (column 18 lines 45-57).

• **In regards to claim 25**, Cimino teaches the limitations above (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach further comprising a means for tracking inventory levels of the set of possible key blanks, said means for tracking operatively associated with the computer.

Titus teaches a key measurement apparatus and method. Titus further teaches further comprising a means for tracking inventory levels of the set of possible key blanks, said means for tracking operatively associated with the computer. (column 18 lines 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Cimino to include the teachings of Titus in order to track key profiles. One would have been motivated to make such a combination in order to verify different key profiles and inventory them for the user's reference (column 18 lines 45-57).

4. Claims 5, 6, 18, 30, 31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cimino in view of Palaniappan US Patent 6711557.

- **In regards to claim 5**, Cimino teaches the above limitations (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach further comprising means for selectively updating elements of the system utilizing a computerized network.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches selectively updating elements of the system utilizing a computerized network (column 3 line 52-column 4 line 25). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Cimino to include the teachings of Palaniappan in order to update elements over a computer network. One would have been motivated to make such a combination in order to update

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elements of the system a computer network by the product itself notifying the user (column 1 lines 55-65).

- In regards to claim 6, Cimino teaches the above limitations (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach further comprising a plurality of user interface means connected to the database means via a computerized network.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches further comprising a plurality of user interface means connected to the database means via a computerized network (column 3 line 52-column 4 line 25). It would have been obvious for the reasons stated above (see claim 5).

- In regards to claims 18 and 30, Cimino teaches the above limitations (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach further comprising user help means for providing the user with assistance in operating the system.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches further comprising user help means for providing the user with assistance in operating the system (column 3 lines 13-42). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the teachings of Cimino to include the teachings of Palaniappan in order to provide assistance to the user with the operating system. One would have been motivated to make this combination in order to provide help to the user in learning the system.

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- **In regards to claim 31**, Cimino teaches the above limitations (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach further comprising a means for recording and selectively retrieving a historical log of information about the user or the operation of the system, said means for recording and selectively retrieving a historical log operatively associated with the computer.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches further comprising a means for recording and selectively retrieving a historical log of information about the user or the operation of the system, said means for recording and selectively retrieving a historical log operatively associated with the computer (column 5 lines 8-15). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the teachings of Cimino to include the teachings of Palaniappan in order to historically log information about the operation of the system. One would have been motivated to make this combination in order to keep track of what applications are participating in the automatic updating scheme (column 5 lines 8-15).

- **In regards to claim 33**, Cimino teaches the above limitations (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach wherein the system operates over a computerized network.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches wherein the system operates over a computerized network (column 3 line 52-

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column 4 line 25). It would have been obvious for the reasons stated above (see claim 5).

- **In regards to claim 34**, Cimino teaches the above limitations (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32). However Cimino does not specifically teach wherein the database is selectively updated via the computerized network and wherein the computerized network is selected from the group consisting of: a local area network, a wide area network and the internet.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches wherein the database is selectively updated via the computerized network and wherein the computerized network is selected from the group consisting of: a local area network, a wide area network and the internet (column 3 line 52-column 4 line 25). It would have been obvious for the reasons stated above (see claim 5).

5. Claims 7-13, and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cimino and Titus further in view of Palaniappan US Patent 6711557.

- **In regards to claim 7**, Cimino and Titus teach the above limitations (see claims 1, 3, 4, 14, 16, 17, 19, 21- 23, 25-29, and 32). However Cimino and Titus do not specifically teach further comprising means for selectively updating elements of the system utilizing a computerized network.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches selectively updating elements of the system utilizing a computerized network

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(column 3 line 52-column 4 line 25). It would have been obvious for the reason stated above (see claim 5).

- **In regards to claim 8**, Cimino and Titus teach the above limitations (see claims 1, 3, 4, 14, 16, 17, 19, 21- 23, 25-29, and 32). However Cimino and Titus do not specifically teach further comprising a plurality of user interface means connected to the database means via a computerized network.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches further comprising a plurality of user interface means connected to the database means via a computerized network (column 3 line 52-column 4 line 25). It would have been obvious for the reasons stated above (see claim 5).

- **In regards to claims 9 and 15**, Cimino and Titus teach the above limitations (see claims 1, 3, 4, 14, 16, 17, 19, 21- 23, 25-29, and 32). However Cimino and Titus do not specifically teach wherein the tracking means transmits the variables related to utilization of the system over a computerized network.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches wherein the tracking means transmits the variables related to utilization of the system over a computerized network (column 3 line 52-column 4 line 25). It would have been obvious for the reasons stated above (see claim 5).

- **In regards to claim 10**, Cimino and Titus teach the above limitations (see claims 1, 3, 4, 14, 16, 17, 19, 21- 23, 25-29, and 32). However Cimino and Titus do not

specifically teach further comprising user help means for providing the user with assistance in operating the system.

Palaniappan teaches client-based background update monitoring. Palaniappan further teaches further comprising user help means for providing the user with assistance in operating the system (column 3 lines 13-42). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the teachings of Cimino to include the teachings of Palaniappan in order to provide assistance to the user with the operating system. One would have been motivated to make this combination in order to provide help to the user in learning the system.

- **In regards to claim 11**, Cimino and Titus teach the above limitations (see claims 1, 3, 4, 14, 16, 17, 19, 21- 23, 25-29, and 32). Cimino further teaches further comprising verification means for confirming that the identified master object physically provided to the user matches the information about the identified master object presented to the user (column 1 lines 22-33).

- **In regards to claims 12 and 13**, Cimino and Titus teach the above limitations (see claims 1, 3, 4, 14, 16, 17, 19, 21- 23, 25-29, and 32). Cimino further teaches wherein the identified master object comprises a key blank (column 2 lines 22-33).

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cimino and Almblad et al (hereinafter Almblad), US Patent 60605911.

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Cimino teaches the above limitations (see claims 1, 16, 19, 21- 23, 26, 28, 29, and 32).

However Cimino does not specifically teach further comprising an automated means for restocking at least selected portions of the set of possible key blanks, said automated means for restocking operatively associated with the computer.

Almblad teaches a method and apparatus for automatically making keys. Almblad further teaches an automated means for restocking at least selected portions of the set of possible key blanks, said automated means for restocking operatively associated with the computer (column 31 lines 54-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Titus to include automatic restocking of key blanks in order to make a more efficient machine.

One would have been motivated to make such a combination in order to create a human interaction free machine and make the process more effective.

Response to Arguments

Applicant's arguments filed 5/14/08 have been fully considered but they are not persuasive. Applicants argue that Cimino does not teach a "specified variable being physically observed base upon a visual inspection of the object by a user of the system."

Examiner disagrees. Examiner points out that in the Applicant's specification, the applicant defines a "specified variable" as:

*[0030] Typically, the input will be based upon easily identifiable traits found on the object, such as product or serial numbers, brand names, intended use(s) of the object **(e.g., a house key versus a car key or number 2 Phillips head screw driver versus a regular flat blade) and the like.** In keeping with the invention's stated goal of user-friendliness and in stark contrast to the physical recognition system described above, only limited (if any) physical manipulation of the object or reliance upon other implements is necessary in order to determine these inputs.*

Examiner points out that Cimino does teach a specified variable, (column 1 lines 22-33, profile of the key, and column 4 lines 25-31, the cross-sectional edges of the key) which can be physically observed by a user based upon visual inspection. The Applicant defines a specified variable being of "intended use of the object (e.g. a number 2 Phillips vs. a regular flat blade) and the like." First of all, a user can identify a number 2 Phillips vs. a regular flat blade on visual inspection due to the fact of its edges alone based on the number of edges visually observed, which is the same way a key can be identified by its edges and profile.. Second, the Applicant also expands to

further include, "the like." The Examiner feels that a cross sectional edges and a profile of a key is a "specified variable" physically observed by the user fitting in the definition of the applicant's invention. Therefore, Cimino teaches the limitations of 1 and 19 and its respective dependents.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shashi K. Becker whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Shashi K Becker/

Examiner, Art Unit 2179

/Ba Huynh/

Primary Examiner, Art Unit 2179